

Appl. No. 10/015,858  
Amdt. dated October 21, 2003  
Reply to Office Action of July 22, 2003

### **REMARKS/ARGUMENTS**

Claims 1-98 are pending in this application. Reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

#### **A. Objection To The Drawings**

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description:

27 – absorbent tissue product

145 – primary pattern

64 – circular primary pattern.

Applicants submit that the objection to the drawings should be withdrawn because Figures 10 and 11 show the curvilinear primary pattern 64 with the elevated transition region; Figure 25 shows the primary pattern 145 with the elevated transition region 62"; and, Figures 27, 29, and 30 show the absorbent tissue product 27.

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "44a" and "44b" have both been used to designate the same upper warp in Figure 8. Applicants submit that the objection to the drawings should be withdrawn because Figure 8 has been corrected to show the proper location of "44b" as supported in the specification at page 26, lines 11 - 31 and page 22, line 8 to page 26, line 5.

The drawings were objected to because Figure 9 failed to show the contrast between the white floats and the gray intermediate knuckles and shutes as described in the specification on page 27. Applicants submit that the objection to the drawings should be withdrawn because the original Figure 9 clearly shows the contrast between the white floats and the gray intermediate knuckles and shutes.

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### **B. Objection To The Claims**

The Examiner has objected to Claim 91 due to an informality. Claim 91 has been so amended as requested by the Examiner and is now believed to be in condition for allowance.

### **C. Double Patenting Rejection**

Claims 1-38 and 42-49 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 62-99 and 103-110 of co-pending application no. 10/015,837.

Claims 5-87 and 91-98 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 111-148 and 152-159 of co-pending application no. 10/015,837.

Claims 39-41 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 100-102 of co-pending application no. 10/015,837.

Claims 88-90 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 149-151 of co-pending application no. 10/015,837.

Applicants submit herewith a provisional terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) for the present application in the event the present application is likely to issue after issuance of the above-referenced copending application and the rejections are maintained.

### **D. Allowable Subject Matter**

The Examiner stated that the prior art does not disclose a method of making a tissue product by transferring a formed fibrous web onto a woven fabric comprised of strands oriented in one direction which form elevated floats and depressed sinkers, and comprised of at least two background regions and a transition region, whereby in the transition region a first elevated float in a first background region becomes a second depressed sinker in a second background region and a first depressed sinker in the first background region becomes a second elevated float in the second background region, and also whereby the elevated floats and depressed sinkers run

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parallel in an alternating fashion so that the floats are positioned between adjacent sinkers and the sinkers are positioned between adjacent floats. Similarly, the Examiner stated the prior art does not disclose or suggest a method of making tissue as described above except that in the transition region a first elevated float in a first background region becomes a second elevated float in a second background region and a first depressed sinker in the first background region becomes a second depressed sinker in the second background region. The Examiner also stated the prior art does not disclose such a weave pattern for a papermaking fabric.

The Examiner also stated that the prior art does not disclose or suggest a tissue product made using the claimed fabric. The claimed fabric imparts a surface structure and texture that distinguishes the claimed tissue from prior art tissues, while also providing a tissue with uniform density instead of a tissue with compacted regions.

#### E. Conclusion

The application now contains Claims 1 - 98 which are believed to be in condition for allowance. Applicants would like to thank the Examiner for the careful attention paid to the present application. Early allowance of the claims in view of the above remarks is earnestly requested.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-7671.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMITTAL

I, Judy Garot, hereby certify that on October 21, 2003 this document is being transmitted via facsimile to the United States Patent and Trademark Office, Alexandria, VA to facsimile no. (703) 872-9310.

By: Judy Garot  
Judy Garot